

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

CITIZENS UTILITY BOARD)	
)	
Complaint requesting the ICC)	
To order Peoples Energy Services)	Docket No. 03-0592
To cease and desist misleading)	
Marketing of gas offering)	

**MOTION TO STAY ENFORCEMENT OF THE
ILLINOIS COMMERCE COMMISSION ORDER PENDING REHEARING**

Peoples Energy Services Corporation (“PE Services”), by and through its attorneys and pursuant to 83 Ill. Adm. Code Section 200.190(a), hereby moves the Illinois Commerce Commission (“Commission”) to stay enforcement of its Order in this matter pending rehearing. In support of its motion, PE Service states as follows:

1. On July 21, 2004, the Commission issued an Order holding that an offer distributed by PE Services (“Offer”) contravened the requirements of the Alternative Gas Supplier Law (“AGS Law”) 220 ILCS 5/19-100 *et seq.*
2. Specifically, the Commission held that PE Services failed to submit marketing materials related to a limited offer to the Commission prior to dissemination. In addition, the Commission determined that the Offer failed to adequately disclose the *force majeure* clause, the early termination clause, and the ability to return a customer to the delivery utility. Order at 37.
3. The Order imposed a \$40,000 fine on PE Services for the four violations. Order at 39.
4. Moreover, the Commission Order provided that PE Services shall remit the \$40,000 to the Clerk of the Commission within ten (10) days from the date of the Order. Order at 39.

5. The Illinois Public Utilities Act (the “Act”) provides that a party may file a petition for rehearing within thirty (30) days after service of an order. 220 ILCS § 5/10-113.

6. The Act further allows the Commission twenty (20) days to consider a petition for rehearing. Id.

7. Because PE Services may petition for rehearing of the Commission decision, PE Services seeks to stay enforcement of the Order requiring it to remit payment within ten (10) days from the date of the Order.

Wherefore, PE Services requests that the Commission grant an Order staying enforcement of the July 21, 2004 Order for a period of forty (40) days or until after this Commission issues an order on a petition for rehearing, whichever is later.

Dated: July 27, 2004

Respectfully submitted

PEOPLES ENERGY SERVICES
CORPORATION

By: /S/ THOMAS MULROY
Thomas Mulroy
One of its attorneys

Thomas Mulroy
Mary Klyasheff
William Kuhn
Blair Hanzlik
McGuireWoods LLP
77 West Wacker Dr., Suite 4400
Chicago, IL 60601
Tel: (312) 849-8272
Fax: (312) 849-8273

CERTIFICATE OF SERVICE AND NOTICE OF FILING

I hereby certify that I have this day filed by e-docket Peoples Energy Services Corporation's Motion to Stay Enforcement of the July 21, 2004 Order Pending Rehearing, and served those documents by United States mail, postage prepaid, to each of the parties of record in Illinois Commerce Commission Docket No. 03-0592.

Dated at Chicago, Illinois this 27th day of July, 2004.

By: /S/BLAIR HANZLIK
Blair Hanzlik

An Attorney for
Peoples Energy Services Corporation

Attorneys for
Peoples Energy Services Corporation

Thomas R. Mulroy
Mary Klyasheff
William Kuhn
Blair Hanzlik
McGuireWoods LLP
77 W. Wacker Dr.
Suite 4400
Chicago, Illinois 60601

Dated at Chicago, Illinois
this 27th day of July, 2004